

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal No. 05-237 (MJD/FLN)

ALLEN LANE CAIN(1),

Defendant.

This matter is before the Court on Defendant's Appeal from Magistrate Judge Franklin Noel's September 6, 2005 Order. [Doc. No. 43.] Judge Noel's order required Defendant to provide four mouth swabs to be used for DNA testing. The appeal has been briefed by both Parties.

Based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Defendant's Appeal from Magistrate Judge Noel's September 6, 2005 Order [Doc. No. 43] is **DENIED**. Magistrate Judge Noel's September 6, 2005 Order [Doc. No. 41] is **AFFIRMED**.

Dated: September 12, 2005

s/ Michael J. Davis
Michael J. Davis
United States District Court